

The 10th June, 1982

No. 9(1)82-6Lab/4989.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Pamco Industries, 21 Industrial Estate, Yamuna Nagar :—

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 65 of 1982

between

SHRI RAVINDER SINGH WORKMAN AND THE MANAGEMENT OF M/S PAMCO INDUSTRIES, 21 INDUSTRIAL ESTATE, YAMUNA NAGAR

Present:—

Shri Sajjan Singh Manager for the respondent.  
None for the workman.

### AWARD

The State Government of Haryana referred the following dispute between the workman Shri Ravinder Singh and the management of M/s Pamco Industries, 21 Industrial Estate, Yamuna Nagar, by order No. 9208, dated 2nd March, 1982, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (c) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Ravinder Singh was justified and in order? If not, to what relief is he entitled?

Notices of the reference were sent to the parties. The management appeared but the workman did not appear. Shri Sujjan Singh, Manager made a statement that the workman had settled his dispute with the management on receipt of Rs 1,300. He filed the settlement Ex. M-1 duly signed by the parties.

In view of the settlement and statement, I pass my award that the workman has settled his dispute with the management and there nothing remain for adjudication.

Dated 7th May, 1982.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Endst No. 448, dated 8th May, 1982

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the I. D. Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

The 12th January, 1982

No. 9(1)81-6Lab/14801.—In pursuance of the provisions of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Super seals India Private Ltd. Mathura Road, Faridabad.

BEFORE SHRI M.C. BHARDWAJ PRESIDING OFFICER, INDUSTRIAL TRIBUNAL HARYANA FARIDABAD.

Reference No. 170 of 1979

Between

SHRI SONI LAL, WORKMAN AND THE MANAGEMENT OF M/S. SUPER SEALS INDIA PRIVATE LTD., MATHURA ROAD FARIDABAD.

Present:—Shri K. L. Sharma, for the workman.  
Shri S. L. Gupta for the management.

## AWARD

By order No. ID/71/79/22223, dated 22nd may, 1979 the Governor of Haryana referred the following dispute between the management of M/s. Super Seals India Private Limited, Mathura Road, Faridabad and its workman Shri Soni Lal, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the dismissal of Shri Soni Lal was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed by my learned predecessor on 9th November, 1979:—

1. Whether the domestic enquiry is proper and fair ?
2. Whether dismissal of the workman concerned is justified and in order ?

Issue No. 1 was treated as preliminary. After recording of evidence and hearing the parties preliminary issue was decided in favour of the management by my order, dated 12th June, 1981. The parties were called upon to adduce evidence on merits. The management did not adduce any other evidence but the workman examined himself as his own witness. Arguments were heard. Now I give my finding on issue No. 1.

Issue No. 2:—The workman concerned deposed that there was a strike in the factory in 1978. He also took part in the strike. He used to hold gate meetings at the factory gate during strike. Some of the workmen were on duty at that time. Shri Lalita Parshad had quarrelled with him due to his being on strike. Shri Lalita Parshad and Shri Shambhu Dayal etc. remained on duty during strike and they had sided with the management. In cross-examination he stated that there were about 300 workers on strike. Only 50 workmen were on duty. When the strike was called off all the workmen rejoined their duties. Only Shri Rajbir, Raghubir Singh, Rambali and one or two other against whom departmental proceedings were going on did not join their duties. He was taken on duty after the strike. He was a member of the union. He was not an office holder. WW-1 Shri Raghubir Singh corroborated his statement. He admitted that he was dismissed by the Management.

I have already held the domestic enquiry valid and proper. The workman was charge-sheeted,—vide Ex. M-2 for riotous, disorderly and indecent behaviour by causing injuries on the forehead and on the hand of his co-workman Shri Lalita Parshad and also for tearing of his shirt. The Enquiry Officer found him guilty of the charges. The management placed on record copy of the judgement of Additional Sessions Judge, Gurgaon passed in criminal appeal number 49 of 1980. I find that on the same fact i.e. assault of Shri Lalita Parshad, the workman was convicted under section 32 IPC. but was dealt under section 4(1) of preparation of Offenders Act by the Judicial Magistrate 1st Class Ballabgarh by his order dated the 10th July, 1980. The sentence was upheld in appeal also. I do not find any compassionate ground for interference in the order of the management under section 11-A of the Industrial Disputes Act for which the learned representative of the workman prayed for. The action by the management under the provision of the standing orders in dismissing the services of the workman by Ex. M-6 is justified and in order. I decide this issue in favour of the management.

While answering the reference. I give my award that the dismissal of the workman was justified and in order. The workman is not entitled to any relief. I order accordingly.

Dated the 7th December, 1981.

M. C. BHARDWAJ,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1129, dated 10th December, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,  
Industrial Tribunal, Haryana  
Faridabad.